

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

ANTHONY FRANK STEWART,

Plaintiff,

v.

JAMIL SABA, DAN HAGGERTY, and
PEGGY CHESTER,

Defendants.

:
:
:
:
:
:
:
:
:
:
:

1:06-CV-157 (WLS)

ORDER

Before the Court is a Report and Recommendation from United States Magistrate Judge Richard L. Hodge (Doc. No. 27), filed May 15, 2008. It is recommended that Defendants' motions for summary judgment (Doc. Nos. 13, 16) be granted. Plaintiff has filed an untimely objection to the Report and Recommendation. (Doc. No 27). Defendants have responded to the objection.

In his objection, Plaintiff is arguing his response to the motions for summary judgment for the first time. Plaintiff does not deny receiving the original motions for summary judgment and, apparently, the notices from the Court. While the motions for summary judgment were pending Plaintiff did not respond at all. In fact, the Magistrate Judge noted that some or all of the case could be dismissed under Fed.R.Civ.P. 41 for failure to prosecute. Further, even if the Court deemed this response timely for the originally filed motions for summary judgment, Plaintiff has failed to produce any admissible evidence that controverts the evidence produced by Defendants. Plaintiff's objection is **OVERRULED**.

Upon full consideration of the record, the Court finds that said Recommendation should be and hereby is, **ACCEPTED, ADOPTED** and made the order of this Court for reason of the findings and reasons set out therein, and for the reason of the findings and reasons set out herein.. Accordingly, Defendants' motion for summary judgment (Doc. Nos. 13, 16) is **GRANTED**.

SO ORDERED, this 16th day of September, 2008.

/s/W. Louis Sands
W. Louis Sands, Judge
United States District Court